

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

In re:	)	Case No. Case No. 16-81001
	)	Chapter 9
PUSHMATAHA COUNTY – CITY OF	)	
ANTLERS HOSPITAL AUTHORITY,	)	
	)	
Debtor.	)	
_____	)	

**UNITED STATES’ UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO  
ANSWER OR OTHERWISE MOVE WITH RESPECT TO THE DEBTOR’S  
COMBINED (1) OBJECTION TO THE APPLICATION FOR PAYMENT OF THE IRS  
ADMINISTRATIVE PROOF OF CLAIM [ECF NO. 235], AND (2) OBJECTION TO  
PROOF OF CLAIM [CLAIM NO. 30]**

The United States respectfully moves, pursuant to Rule 9006(b)(1) of the Federal Rules of Bankruptcy Procedure, for an additional 30 days to answer, or otherwise move, with respect to debtor’s combined objection (ECF No. 245).<sup>1</sup> **Opposing counsel consents to this request.** This motion is the fourth request for an extension of this deadline, and the basis for this request is set forth below.

1. Debtor Pushmataha County – City of Antlers Hospital filed a combined (1) objection to the application of payment of the IRS administrative claim (ECF No. 235) and (2) objection to proof of claim (Claim No. 30) on March 2, 2020 (ECF. No. 245).

2. The United States’ answer or other response is due on or before Friday, August 14, 2020 (ECF No. 257).

3. The United States respectfully requests an additional 30 days (or until Monday, September 14, 2020) to respond or otherwise move with respect to the debtor’s combined objection. Counsel for the United States has been working with counsel for Pushmataha County

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<sup>1</sup>There is a status conference on this matter scheduled for September 16, 2020 (ECF No. 257). In this motion, the United States is not requesting a continuance of that conference.

to informally resolve the objection to claim prior to having to respond, but the Covid-19 pandemic and related issues have caused delays in the County providing information to the United States. On August 10, 2020, Pushmataha County provided documents and information to the United States in an effort to resolve this case. Because the United States only recently received the information and documents from the County, the United States has not had the opportunity to fully evaluate this information. Moreover, undersigned counsel for the United States does not have the authority to settle this case. Instead, a delegate of the Attorney General must make a decision on whether to accept or reject any settlement offer that results from the parties' discussions.

4. In analyzing a motion for extension of time under Rule 6(b) of the Federal Rules of Civil Procedure, which is the analog to Bankruptcy Rule 9006, see Kontrick v. Ryan, 540 U.S. 443, 546 n.10 (2004), the Ninth Circuit has held that “requests for extensions of time made before the applicable deadline has passed should ‘normally . . . be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.’” Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1259 (9th Cir. 2010) (alteration in original) (quoting 4B Wright & Miller, Federal Practice and Procedure § 1165 (3d ed. 2004)). Similarly, a prominent authority on bankruptcy procedure has stated that courts should liberally grant extensions of time sought before the period to act has elapsed so long as “the moving party has not been guilty of negligence or bad faith and the privilege of extensions has not been abused.” 10 Collier on Bankruptcy ¶ 9006.06 (Alan N. Resnick & Henry J. Sommer eds., 16th ed. 2015).

5. Because the United States is working with Pushmataha County to informally resolve this matter and because the United States is waiting to receive documents from the County, the United States requests an additional 30 days to respond, on or before September 14, 2020.

6. In addition, the requested extension of time will not prejudice any party.

7. Opposing counsel consents to our request for enlargement of time to answer or otherwise move with respect to the debtor's combined objection.

For these reasons, good cause exists for granting this request for enlargement of time.

WHEREFORE, the United States respectfully requests that this Court grant this motion for enlargement of time to answer, or otherwise move, with respect to the debtor's combined objection, until September 14, 2020.

Dated: August 13, 2020

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 13, 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered CM/ECF participants.

/s/ Samuel Peter Robins  
SAMUEL PETER ROBINS  
Trial Attorney, Tax Division